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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,389	03/01/2004	Helmut Jorke	3926.064	1074

7590 03/18/2005  
PENDORF & CUTLIFF  
5111 Memorial Highway  
Tampa, FL 33634

EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/790,389	<b>Applicant(s)</b> JORKE, HELMUT	
	<b>Examiner</b> Christopher E. Mahoney	<b>Art Unit</b> 2851	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 20 December 2004.

2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-3 and 5-12 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☒ Claim(s) 2,3,9 and 12 is/are allowed.

6) ☒ Claim(s) 1 and 5-8 is/are rejected.

7) ☒ Claim(s) 10 and 11 is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All    b) ☐ Some \*    c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☒ Certified copies of the priority documents have been received in Application No. 09/744,634.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/744,634, filed on January 26, 2001.

### ***Claim Objections***

Claims 9-10 are objected to because of the following informalities: Claims 9 and 10 both recite a splitter dichroic mirror and then refer to the splitter dichroic mirror as the first dichroic mirror. Elements in a claim should be referred to consistently. The examiner suggests that these claims could either recite early in the claim language the same or similar to "a first dichroic mirror being a splitter dichroic mirror" or the claim should consistently refer to the splitter dichroic mirror as the splitter dichroic mirror (instead of the first mirror). This is to ensure consistent reference to the same part. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (U.S. Patent No. 5,121,983). Lee teaches a device for projecting a stereo color image upon a screen M including a projection lamp B for emission of a radiation spectrum (col. 5, lines 67-68), a beam splitter F-1 for separation the radiation spectrum emitted from the projection lamp into a first partial light

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bundle (all colors of lamp in one polarization) and a second partial light bundle (all colors of lamp in a second polarization) complimentary to the first part light bundle (the second polarization is complimentary to the first polarization [col. 3, lines 35-40]), first and second color image modulators (H-1, H-2) wherein said first color image modulator (H-1) produces a half image comprised of said first partial light bundle and said second image modulator (H-2) produces a half image comprised of said second partial light bundle, a beam integrator (F-2) provided subsequent to the color image modulators for reuniting the first partial light bundle with the second partial light bundle, and a lens system (K) for output of the therefrom resulting color image. The first partial light bundle and the second partial light bundle are complimentary to one another in polarization. The beam splitter is shown with a splitter mirror and the integrator is shown with an integrator mirror.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. Patent No. 5,121,983) in view of Faris (U.S. Patent No. 5,886,816). Lee teaches the salient features of the claimed invention except for the glasses. Faris teaches in figures 15a and 15 b that it was known to utilize glasses to enable stereoscopic viewing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Faris

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for the purpose of ensuring that the left and right eyes each only sees the left or right images respectively.

***Allowable Subject Matter***

Claims 2-3, 9 and 12 are allowed.

Claims 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed December 20, 2004 with respect to claims 1 and 5-8 have been fully considered but they are not persuasive. The applicant argues that Lee does not teach that the first and second partial light bundles are for complementary colors. The claims do not recite that the first and second partial light bundles are for complimentary colors. The claims recite that the second partial light bundle is complementary to the first partial light bundle. As stated in both the prior office action and the rejection supra, Lee does teach that the second partial light bundle is *complementary in polarization* to the first partial light bundle.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

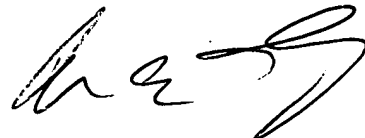
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher E Mahoney  
Primary Examiner  
Art Unit 2851